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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 SUN MICROSYSTEMS, INC., a Delaware
corporation,

16 Plaintiff/Counterdefendant,

17 v.

18 NETWORK APPLIANCE, INC.

19 Defendant/Counterplaintiff.
20

CASE NO. C-08-01641 EDL

**[PROPOSED] ORDER AND
STIPULATION REGARDING CLOSE OF
FACT DISCOVERY**

21
22 Plaintiff Sun Microsystems, Inc. ("Sun") and Defendant NetApp, Inc. ("NetApp"), by and
23 through their undersigned attorneys of record, hereby stipulate and agree that the close of fact
24 discovery in the above-titled case shall be August 28, 2009.

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28 -1-

1 Dated: January 26, 2009

2 DLA PIPER LLP (US)

3 /s/ Christine K. Corbett

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9 Attorneys for Plaintiff,
10 Sun Microsystems, Inc.

11 Dated: January 26, 2009

12 /s/ Amalie M. Weber

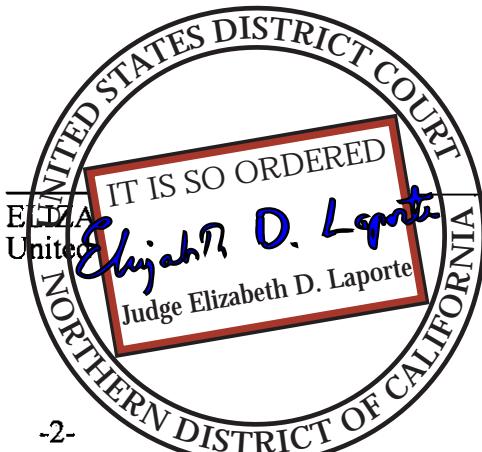
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28 Attorneys for Defendant,
NetApp, Inc.

IT IS SO ORDERED

Dated: 1/27/09



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[PROPOSED] ORDER AND STIPULATION REGARDING CLOSE OF FACT
DISCOVERY; USDC CASE NO. C-08-01641 EDL